

STATEMENT OF FACTS

UNITED STATES V. MICHAEL HIGHMAN

On June 24, 2009, FBI Special Agent Stacie Lane, of the Innocent Images Unit in Maryland signed into a peer to peer file sharing program using an undercover identity and connected with another user using the moniker of "Birdieman696969" and observed that this user was making available for sharing, approximately 200,000 files. SA Lane was then able to visually browse through the files that Birdieman696969 was making available for sharing and observed hundreds of child pornography images and videos and thousands more images and videos with titles indicative of child pornography. SA Lane selected 30 images to download from user Birdieman696969 and was able to confirm that all of the downloaded files originated from Internet Protocol (IP) address 71.79.240.201.

Upon review of the 30 images downloaded from Birdieman696969, SA Lane determined that 21 of the downloaded images depicted nude pre pubescent boys engaged in fellatio and anal intercourse with other pre pubescent boys and adult men. Nine of the downloaded images were movie indexes, which is an image file that depicts several frames from a movie. An index often consists of 20 to 36 frames which are taken at various intervals throughout the film and thus allows a child pornography trader to quickly download one image file and view several images taken from the beginning, middle, and end of a movie before deciding whether to download the movie file. This was a significant finding, because such a manner of indexing movie files is generally indicative of an experienced trader of child pornography. The 9 movie index files downloaded by SA Lane from Birdieman696969 also contained images of nude pre pubescent boys engaged in masturbation, fellatio, and anal intercourse.

A subpoena served to the Internet Service Provider (ISP) revealed that during the time SA Lane downloaded the 30 images from the captured IP address of 71.79.240.201, the IP address was assigned to an account in the name of Della Highman located at 2336 Johnston Road in Columbus, Ohio. Investigators confirmed that one Della Highman and the Defendant Michael Highman (herein "Highman") resided at that address.

On October 15, 2009 a Federal Search warrant was executed at 2336 Johnston Rd Columbus, Ohio. Upon entry by law enforcement Highman immediately admitted to investigators that he resided at the address, confirmed that there was an active internet account at the residence and admitted that there were numerous computers and electronic storage devices in his basement office of the residence upon which investigators would find child pornography. Highman was subsequently interviewed at the residence and admitted he collects and distributes child pornography using a P2P program via the Internet. He admitted his username is "Birdieman696969" and that he had traded child pornography over the internet for several years and possessed thousands of images and videos of child pornography. Highman then showed investigators areas within the residence where he had hidden storage devices which he admitted contained child pornography, including a hard-drive which he had hidden within the basement ceiling. Highman further admitted to the agents that he collected child pornography with an expressed a preference for pornography depicting boys ages 7 to 14. Highman explained that he collected child pornography via the internet by using peer to peer software which he normally let

run in his basement office 24 hours a day and that there were specific peer to peer users that he would reach out to in order to receive any new child pornography which he had not previously viewed.

More than 20 pieces of digital media, including numerous computers, hard drives and several dozen CDs and DVDs were seized from Highman's residence for forensic review. In the months between October 15, 2009 and January 2010, several investigators have poured through the media seized from Highman's residence and while it is difficult to establish an exact number of images and videos, have found what they estimate to be in excess of 200,000 images and videos of child pornography, the videos and images predominantly being of prepubescent and teen boys in sexually explicit poses and engaged in sexual activity with other minors and adult men. Numerous images and videos are present which have been previously identified as being produced in other countries and states outside of Ohio, establishing that the images and videos necessarily traveled in interstate commerce to be found in Highman's residence within the Southern District of Ohio.